

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY ERVIN,

Plaintiff,

vs.

CIV S-05-0269 LKK GGH PS

JUDICIAL COUNCIL OF
CALIFORNIA, et al.,

Defendants.

ORDER

Defendants' April 20, 2006 motion to dismiss presently is calendared for hearing on May 25, 2006. Having reviewed the record, the court has determined that oral argument would not be of material assistance in determining the pending motion. Accordingly, the court will not entertain oral argument, and will determine the motion on the record, including the briefing in support of and in opposition to the pending motion. See E.D. Cal. L.R. 78-230(h).

Accordingly, IT IS ORDERED that:

1. The May 25, 2006 hearing on the motion to dismiss, filed April 20, 2006, is vacated; and
2. The motion is submitted on the record.

DATED: 5/19/06

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
U. S. MAGISTRATE JUDGE

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